

Docket No.: 49677-059



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yoshiyuki SUETSUGU, et al.

Serial No.: 09/505,989

Group Art Unit: 2874

Filed: February 17, 2000

Examiner:

For: OPTICAL CABLE

101 - 690
105 - 130

**RESPONSE TO NOTICE
OF MISSING PARTS OF APPLICATION**

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts of Application dated May 8, 2000, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Statutory Basic filing fee of \$690.00
3. Late Filing Fee Surcharge of \$130.00
4. Assignment
5. Certified Priority Document
6. Information Disclosure Statement
7. Request for Corrected Filing Receipt

We note that the Notice to File Missing Parts indicates that a \$260.00 Multiple Dependent Claim Surcharge is due. However, the application does not contain multiple dependent claims. Therefore, we do not believe the Multiple Dependent Claim Surcharge is due.

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DEPUTY A/C PATENTS

09/505,989

Please charge Deposit Account No. 500417 in the amount of \$820.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


Stephen A. Becker
Registration No. 26,527

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 SAB:klm
Date: July 5, 2000
Facsimile: (202) 756-8087

BEST AVAILABLE COPY

FORMALITIES : LETTER



*OC000000051022

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENT AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/505,9		02/17/2000	Yoshiyuki Suetsugu	49677-059

 McDermott Will & Emery
 600 13th Street N.W.
 Washington, DC 20004-3096

 R E C E I V E D
 MAY 11 2000
 MW&E

Date Mailed: 05/08/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay all fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition according to the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. *Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status under 37 CFR 1.27.*
- Total additional claim fee(s) for this application is \$260. *A multiple dependent claim surcharge.*
- The oath or declaration is missing. *The oath or declaration in compliance with 37 CFR 1.63, identifying the application by the Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of a small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1080.

*A copy of this notice **MUST** be returned with the reply.*


 Customer Service Counter
 Initial Patent Examiner

Customer Support (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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 OFFICE OF PETITIONS
 DEPUTY A/C PATENTS

Docket No.: 49677-059

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of

Yoshiyuki SUETSUGU, et al.

Serial No.: 09/505,989

: Group Art Unit: 2874

Filed: February 17, 2000

: Examiner:

For: OPTICAL CABLE

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Washington, DC 20231

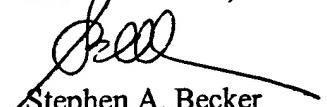
Sir:

Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the priority information does not appear on the filing receipt. Attached are copies of the Claim of Priority and the Declaration and Power of Attorney, which evidence that this application claims priority from Japanese Patent Application No. 11-041922, filed February 19, 1999.

Additionally, please correct the filing receipt to reflect 17 total claims. It is requested that a corrected filing receipt be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


Stephen A. Becker
Registration No. 26,527

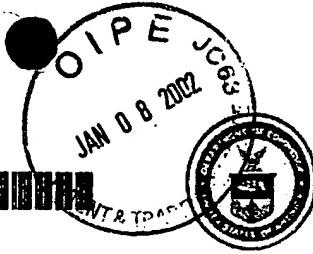
600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 SAB:klm
Date: July 5, 2000
Facsimile: (202) 756-8087

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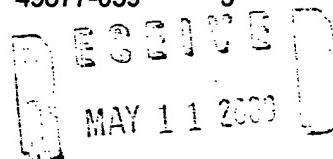
FILING RECEIPT

OC00000005102294

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/505,989	02/17/2000	2874	0	49677-059	5	16	1

McDermott Will & Emery
600 13th Street N W
Washington, DC 20005-3096

**MW/CE**

Date Mailed: 05/08/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yoshiyuki Suetsugu, Residence Not Provided;
Hiroti Ishikawa, Residence Not Provided;
Hideyuki Iwata, Residence Not Provided;

Continuing Data as Claimed by Applicant**Foreign Applications****If Required, Foreign Filing License Granted 05/08/2000****Title**

Optical cable

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Preliminary Claims

325

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS****Data entry by : COTT, JOSEPH****Team : OIPE****Date: 05/08/2000**

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.11 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 161, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles "a," "an" and "the" are not included as the first words in the title of an application. They are considered unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title must be truncated if it consists of more than 600 characters (letters and spaces combined). The number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt showing the "date in" of the Express Mail label showing the "date in."

Any corrections to the filing receipt need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

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5/8/00 9:11



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/505,989	02/17/2000	Yoshiyuki Suetsugu	49677-059

20277
 MCDERMOTT WILL & EMERY
 600 13TH STREET, N.W.
 WASHINGTON, DC 20005-3096



CONFIRMATION NO. 7678
 ABANDONMENT/TERMINATION
 LETTER



OC000000007159179

Date Mailed: 12/05/2001

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/08/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.

[Signature]
 Customer Service Center

Initial Patent Examination Division (703) 308-4202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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10 2002

OFFICE OF PETITIONS
 DEPUTY A/C PATENTS



Applicant: Yoshiyuki SUETSUGI Serial Docket No. 49677-059
Title/Mark: OPTICAL CABLE Serial/Reg./Patent No. 09/1505,985

Date Sent: 7/15/2000 Hand Carried 1st-Class Mail Cert. of Mailing Express Mail No. _____

- Transmittal Letter
 Utility/Design/Continuation/CIP/FWC/Divisional/PCT
 Other:
____ pages of Specification
____ pages of Claims
____ pages of Abstract
____ pages of Formal/Informal Drawings
 Information Disclosure Statement
Form PTO 1449
copies of cited references
 Preliminary Amendment
 Response to Missing Parts Notice
 Certified Copy of Priority Doc.
 Claim for Convention Priority
 Verified Statement of Small Entity Status
 Transmittal of Issue Fee: Form PTO 85b Form PTO 85C
 Maintenance Fee for _____ years after grant
 Notice of Appeal Appeal Brief
 Recordation of Patent Trademark Assignments/Security Agreements/
 Response/Amendment to Office Action of _____

- Trademark/Service Mark/Intent-To-Use Application
 Amendment to Allege Use Statement of Use
 Formal/Informal/Substitute Drawing Sheet
(no. of) Substitute/Specimens
 Continued Use Affidavit/Declaration (Section 8 & 15)
 Notice of Opposition/Answer to _____
 Ex Parte Appeal
 Petition for Cancellation/ Answer to _____
 Renewal of Reg. No. _____
 Combined Declaration/Power of Attorney
 Letter of Protest
 Request for _____-day/month Extension of Time

Other: _____

Check for \$ _____ Total Deposit Account charge for \$ 40.00 Attorney: SAB:4733:KIM
 CHI WASH

CLO2 Descrip.: 4-40.00

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

JAN 08 2002

FORM PTO-1596

1-31-92

Docket No.: 49677-059

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereto:

1. Name of Conveying Party(ies):

Yoshiyuki SUETSUGU, Hiroki ISHIKAWA, and Hideyuki IWATA

Additional name(s) of conveying party(ies) attached? Yes

3. Nature of Conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other | |

Execution Date: May 29, May 29, and June 5, 2000
(respectively)

2. Name and address of receiving party(ies):

1) Name: SUMITOMO ELECTRIC INDUSTRIES, LTD.

Address: 5-33, Kitahama 4-chome, Chuo-ku, Osaka-shi
Osaka, Japan2) Name: NIPPON TELEGRAPH AND TELEPHONE
CORPORATIONAddress: 3-1 Otemachi 2-chome, Chiyoda-ku
Tokyo 100-8116, JapanAdditional name(s) & address(es) attached? Yes

4. Application number(s) or patent number(s):

If the document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s).

09/505,989 Filed February 17, 2000

B. Patent No(s).

Additional numbers attached? Yes5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: McDERMOTT, WILL & EMERY

Internal Address:

Street Address: 600 13th Street, N.W.

City: Washington State: DC Zip: 20005

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

500417

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy
of the original document.*

Stephen A. Becker, 26,527

July 5, 2000

Name and Registration No. of Person Signing

Signature

Date

Total number of pages comprising cover sheet

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CMB No. 0851-0011 (exp. 4/94)

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DEPUTY A/C PATENTS